

**SPECIAL ORDINANCE NO. 18, 2010.**

**APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE**

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Common Address of lots to be rezoned:

1600 North 11<sup>th</sup> Street, Terre Haute, IN 47804

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Rezone From: R-2 Two Family Residence District

Rezone To: C-6 Strip Commerce District

Proposed Use: Auto body work & detailing and auto sales and service

Name of Owner: James A. Rupska and Trudy H. Rupska

Address of Owner: 132 Berkley Drive  
Terre Haute, IN 47803

Phone Number of Owner: 812-877-6522

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.  
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Todd Nation

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 24 2010

**SPECIAL ORDINANCE NO. 18, 2010**

**CITY CLERK**

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled AAn Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations@.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as AThe Comprehensive Zoning Ordinance for Terre Haute@ of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot No. Twenty-four (24) in Case and Genung's Subdivison. Lot 25, and Lot 26 except 28 feet off the North side thereof, in Genung's Subdivison of Lot 25 in Spencer's Subdivision of the North west quarter of Section 15 Township, 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

Commonly known as 1600 North 11<sup>th</sup> Street, Terre Haute, IN 47804.

be and the same is, hereby established as a C-6 Strip Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, \_\_\_\_\_  
Todd Nation, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Neil Garrison, President

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

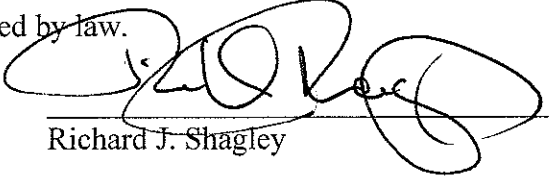
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

  
\_\_\_\_\_  
Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

## **PETITION TO REZONE REAL PROPERTY**

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, James A Rupska and Trudy H. Rupska, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot No. Twenty-four (24) in Case and Genung's Subdivison. Lot 25, and Lot 26 except 28 feet off the North side thereof, in Genung's Subdivison of Lot 25 in Spencer's Subdivision of the North west quarter of Section 15 Township, 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

Parcel No. 84-06-15-181-011.000-002 and 84-06-15-181-010.000-002

Commonly known as 1600 North 11<sup>th</sup> Street, Terre Haute, IN 47804.

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-2 Two Family Residence District.

Your Petitioners intend to sell the existing commercial building and the prospective purchaser plans to use the real estate as for an auto body & detailing and auto sales and service. The real estate was formerly the West Frame Service and has been used by your Petitioners as a body shop to rebuild automobiles.

Your Petitioners would request that the real estate described herein shall be zoned as a C-6 Strip Commerce District to allow for the use as proposed by the Petitioners. Your Petitioners would allege that the C-6 Strip Commerce District would not alter the general characteristics of this neighborhood.

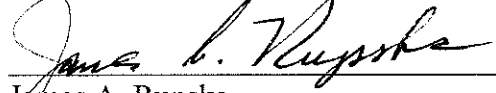
Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-6 Strip Commerce District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the

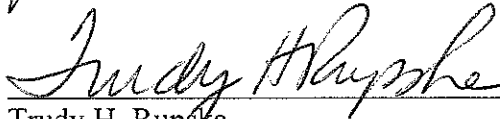
real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have caused this Petition to Rezone Real Property to be executed this 14<sup>th</sup> day of June, 2010.

**PETITIONER:**



James A. Rupska



Trudy H. Rupska

WRIGHT, SHAGLEY & LOWERY, P.C.

500 Ohio Street

Terre Haute, IN 47807

Phone: (812) 232-3388

BY: 

Richard J. Shagley, #257-84

Attorneys for Petitioner

The owner and mailing address: James A. & Trudy H. Rupska, 132 Berkley Dr, Terre Haute, IN 47803.

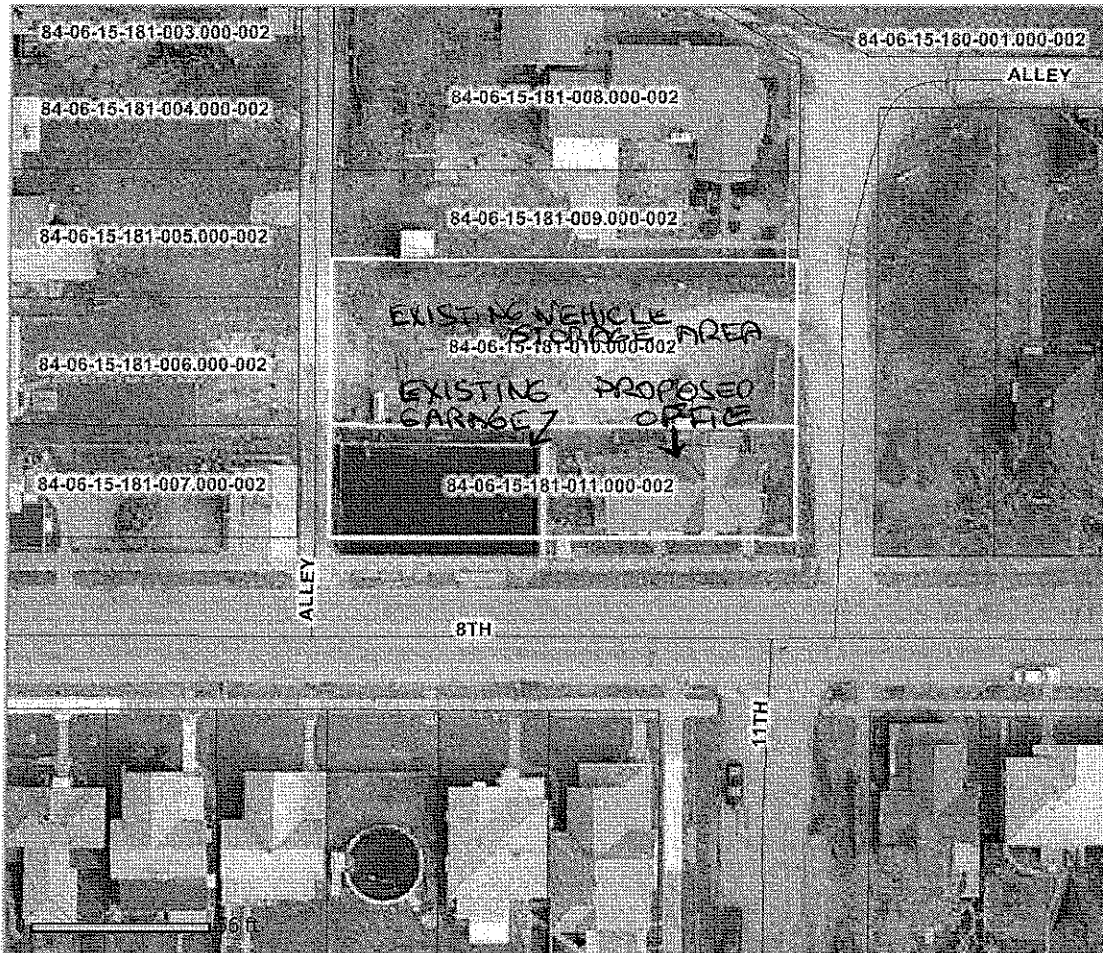
This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

# SITE PLAN

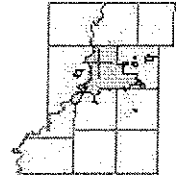
Vigo County, IN / City of Terre Haute



Date Created: 6/24/2010  
Map Scale: 1 in = 56 ft



Overview



Legend

- Road Centerlines
- Parcels
- Blocks
- Sections
- Political Townships
- Corporate Limits

S.O. 18, 2010  
R-2 to C-6  
Auto body work  
and detailing  
AND  
Auto sales and  
service

**Parcel ID** 84-06-15-181-011.000-002

**Sec/Twp/Rng**

**Property Address** 1600 N 11TH ST  
TERRE HAUTE

**Alternate ID** 118-06-15-181-011

**Class** Commercial Garage

**Acreage** 0.00

**Owner Name** RUPSKA JAMES A & TRUDY

**Owner Address** RUPSKA JAMES A & TRUDY  
132 BERKLEY DR  
TERRE HAUTE, IN 47803

**District** 002 HARRISON

**Brief Tax Description** CASE & GENUNGS SUB (1600 N 11TH ST)  
D-444/38 15-12-9 LOT 24

(Note: Not to be used on legal documents)

Last Data Upload: 6/24/2010 1:29:54 AM



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STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF VIGO       )

**AFFIDAVIT**

Comes now, James A. Rupska, being duly sworn upon his oath, deposes and says:

1. That James A. Rupska and Trudy H. Rupska, are the fee simple owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot No. Twenty-four (24) in Case and Genung's Subdivison. Lot 25, and Lot 26 except 28 feet off the North side thereof, in Genung's Subdivison of Lot 25 in Spencer's Subdivision of the North west quarter of Section 15 Township, 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

Parcel No. 84-06-15-181-011.000-002 and 84-06-15-181-010.000-002

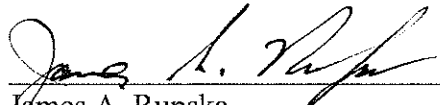
Commonly known as 1600 North 11<sup>th</sup> Street, Terre Haute, IN 47804.

2. That a copy of the Warranty Deed, dated December 30, 1998, and recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that James A. Rupska and Trudy H. Rupska, are the owners of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by James A. Rupska and Trudy H. Rupska.

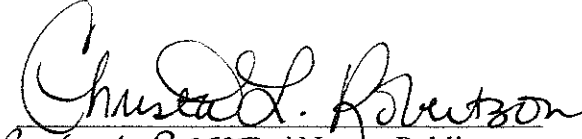
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 14 day of JUNE, 2010.

  
\_\_\_\_\_  
James A. Rupska

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF VIGO    )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 14<sup>th</sup> day of June 2010.

  
CHRISTAL L. ROBERTSON, Notary Public

My Commission expires:

8/6/10

My County of Residence:

PARKE

This instrument prepared by Richard J. Shagley, Attorney At Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, IN 47807.

DULY ENTERED FOR TAXATION

Subject to final acceptance for transfer

99 00136

JAN 06 1999

RECEIVED FOR RECORD

000038

Jesse A. Anderson, Auditor  
Vigo County

000136

99 JAN -6 AM 10:47

MITCHELL NEWTON  
VIGO CO. RECORDER**WARRANTY DEED**

THIS INDENTURE WITNESSETH, That Rosetta Wheeler, surviving spouse of Eugene Wheeler, of Vigo County, in the State of Indiana, CONVEY AND WARRANT to James A. Rupska and Trudy Rupska, husband and wife, of Vigo County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Lot 25, and Lot 26 except 28 feet off the North side thereof, in Genung's Subdivision of Lot 25 in Spencer's Subdivision of the North West quarter of Section 15 Township 12 North, Range 9 West, in Terre Haute, Vigo County, Indiana.

ALSO

Lot No. Twenty four (24) in Case and Genungs Subdivision of Lot No. Twenty five (25) of William H. Spencer's Subdivision of the North West Quarter of Section 15 Township 12 North of Range 9 West of the 2d Principal Meridian.

Subject to easements, covenants, and restrictions of record affecting title to the subject real estate.

Subject to taxes for 1998, payable in 1999, prorated from the date hereof.

IN WITNESS WHEREOF, The said Rosetta Wheeler, surviving spouse of Eugene Wheeler has hereunto set her hand and seal, this 30th day of December, 1998.

Rosetta Wheeler  
Rosetta Wheeler

STATE OF IndianaCOUNTY OF Vigo

Before me, the undersigned, a Notary Public in and for said County and State, this 30 day of December, 1998, personally appeared Rosetta Wheeler, surviving spouse of Eugene Wheeler, and acknowledged this conveyance to be her voluntary act and deed.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

Janice Bazzani  
Notary Public

Janice Bazzani  
(Printed Name)

EXCISE  
WDRL  
12/22/98  
llw

000038

2

My Commission Expires:

11-20-01

My County of Residence:

Vermillion

This Instrument prepared by:

Louis F. Britton, COX, ZWERNER, GAMBILL & SULL, /AN  
P.O. Box 1625, Terre Haute, IN 47808-1625

Mail tax duplicates to:

EXCISES, AND LOAN OFFICERS  
WISCONSIN  
122208

RECEIVED FOR RECORD

AT 4:44 O'CLOCK PAGE 38

Mitchell Newton  
RECORDER VIGO COUNTY



## Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: June 24, 2010

Name: Wright, Shagley & Lowery

Reason: Rezoning / James Rupska \$4500

TERRE HAUTE, IN  
PAID

JUN 24 2010

Cash: \_\_\_\_\_

Check: \$4500 CK# 57667

CONTROLLER

Credit: \_\_\_\_\_

Total: \$4500

Received By: M. Dowell / RE